

UNITED STATES DISTRICT COURT

FILED

NORTHERN DISTRICT OF CALIFORNIA

2009 SEP -3 A 9:19

E-filing

SAN JOSE DIVISION

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO, and
DANIEL JOSE DOMINGUEZ

INDICTMENT

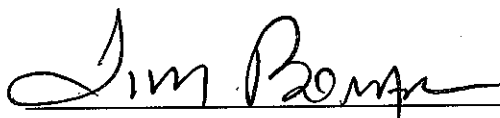
COUNT ONE: Title 18, United States Code, Section 371 – Conspiracy to Commit Mail and Wire Fraud.

COUNT TWO: Title 18, United States Code, Section 1341 – Mail Fraud.

COUNTS THREE THROUGH ELEVEN: Title 18, United States Code, Section 1343 – Wire Fraud.

COUNT TWELVE: Title 18, United States Code, Section 1956(h) – Conspiracy to Commit Money Laundering.

A true bill.



Foreperson

Filed in open court this 2 day of Sept

A.D. 2009


UNITED STATES MAGISTRATE JUDGE

Issue summons for each def.; Oct 8, 2009 (PVT)

Bail. \$ _____

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

Attorney for Plaintiff

FILED

2009 SEP -3 A 9:20

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CR - 09 00888 JF

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO, and
DANIEL JOSE DOMINGUEZ,

Defendants.

Criminal No.:

VIOLATIONS: 18 U.S.C. § 371 –
Conspiracy; 18 U.S.C. § 1341 – Mail
Fraud; 18 U.S.C. § 1343 – Wire Fraud;
18 U.S.C. § 1956(h) – Conspiracy to
Commit Money Laundering; 18 U.S.C. §
982(a)(1) – Money Laundering Forfeiture

PVT

INDICTMENT

The Grand Jury charges:

Introduction

1. At all times relevant to this Indictment:

a. Carlos Ivan Vargas, Sr. ("Vargas") was the President of Attorney's
Printing Supply ("APS"), a printing business located at 120 2nd Street, San Francisco, California.
APS was primarily involved in the business of supplying printing services and supplies to law
firms in Northern California. Vargas's work e-mail address was "cvargas@apsint.com."

INDICTMENT

1 b. Wilson Sonsini Goodrich & Rosati ("WSGR") was and is a large law firm
2 with its main offices in Palo Alto, California. APS supplied WSGR with stationary, envelopes,
3 business cards, and other office supplies.

4 c. John Masakazu Tashiro ("Tashiro") was employed by WSGR as a
5 purchasing specialist. He worked in WSGR's main offices in Palo Alto. Tashiro's duties
6 included receiving orders for stationary and other office supplies, including tab dividers, from
7 "end-users," *i.e.*, departments within WSGR, placing those orders with APS, processing invoices
8 received from APS, approving those invoices for payment, and submitting them to WSGR's
9 accounting department.

10 d. Daniel Jose Dominguez ("Dominguez") was the accounting manager for
11 APS. Dominguez had a fax machine in his office with the telephone number: (415) 442-0119.

12 e. Tashiro submitted orders to APS by fax or e-mail. Orders sent by e-mail
13 went to Dominguez at either "ddominguez@apsint.com" or "Daniel@apsint.com." APS had fax
14 numbers for different product departments. Orders for tab dividers sent by facsimile were either
15 faxed to (415) 908-6329 or to the fax machine located in Dominguez's office, (415) 442-0119.

16 f. Invoices from APS to WSGR were usually delivered by the United States
17 Postal Service. On occasion they were hand-delivered along with a delivery of office supplies.
18 Payments sent by WSGR to APS were usually mailed.

19 g. **Interstate Nexus for Wire Fraud.** The domain name "apsint.com" was
20 registered with Network Solutions, LLC, based in Virginia. The network servers that hosted the
21 "apsint.com" account were operated by Verio, a Colorado company. The servers themselves
22 were located in Virginia. Any e-mail sent by Tashiro from his WSGR computer to Dominguez
23 or Vargas at an "apsint.com" account therefore traveled from Palo Alto through Virginia before
24 being routed to San Francisco.

25 The Scheme and Artifice to Defraud

26 2. Between no later September 2002 and continuing until approximately November

1 8, 2006, Tashiro conspired with Vargas and Dominguez to submit fraudulent orders for tab
2 dividers to APS. APS billed WSGR for the fraudulent orders as if those tab dividers had in fact
3 been delivered. The total amount WSGR overpaid APS for tab dividers that were never ordered
4 nor delivered was approximately \$1 million.

5 3. WSGR also had legitimate orders for tab dividers from APS and those orders
6 were also processed by Tashiro. When Tashiro had a legitimate order, he faxed the order to the
7 tab divider department at APS, to fax number (415) 908-6329. APS would fill the order and
8 deliver the supplies to WSGR. Tashiro sent the fraudulent orders directly to Dominguez, either
9 by e-mailing them to Dominguez at one of the e-mail addresses described in subparagraph 1.e.,
10 or by faxing the fraudulent orders to Dominguez's office, to fax number (415) 442-0119.

11 4. Dominguez billed WSGR for the fraudulent orders as if those orders had in fact
12 been filled. APS invoiced WSGR identically regardless of whether the order was legitimate or
13 fraudulent. All APS invoices for tab dividers went to Tashiro. Tashiro approved the fraudulent
14 invoices along with the legitimate ones and submitted them in batches to the WSGR accounting
15 department for payment. Payments from WSGR to APS for tab dividers generally included both
16 legitimate and fraudulent invoices. Vargas sometimes paid Tashiro from his personal bank
17 account, while on other occasions Vargas or Dominguez would issue an APS check, made
18 payable to "petty cash," and pay Tashiro using the proceeds of that check.

19 COUNT ONE: (18 U.S.C. §§ 371 – Conspiracy to Commit Mail and Wire Fraud)

20 5. The factual allegations contained in paragraphs 1 through 4 are realleged and
21 incorporated as if fully set forth here:

22 6. On or about and between September 2002 and November 8, 2006, in the Northern
23 District of California, and elsewhere, the defendants,

24 CARLOS IVAN VARGAS, SR.,
25 JOHN MASAKAZU TASHIRO, and
26 DANIEL JOSE DOMINGUEZ,

did knowingly conspire to commit offenses against the United States, namely, mail and wire

1 fraud, in violation of Title 18, United States Code, Sections 1341 and 1343.

2 Overt Acts Committed in Furtherance of the Conspiracy

3 7. During the course of the conspiracy, and in order to further the objects thereof,
4 the defendants and their co-conspirators knowingly committed, and caused to be committed, the
5 following overt acts, among others, in the Northern District of California, and elsewhere:

6 a. On or about October 11, 2002, Vargas endorsed a check from WSGR for
7 \$125,057.08.

8 b. On or about April 9, 2003, Tashiro faxed an order for 49,475 side tab
9 dividers to APS at fax number (415) 442-0119.

10 c. On or about April 11, 2003, Dominguez prepared an invoice (No. 4545)
11 for \$6,962.37, representing the amount purportedly due to APS for the side tab dividers Tashiro
12 had "ordered" on April 9, 2003.

13 d. On or about April 16, 2003, Tashiro approved an invoice from APS (No.
14 4617) for a total of \$16,439.42, representing the total amount billed by APS for seven individual
15 invoices to WSGR.

16 e. On or about April 28, 2003, the WSGR accounting department issued a
17 check to APS for \$50,183.38, representing payment of several invoices from APS, including
18 invoice No. 4617 referenced in the preceding subparagraph.

19 f. On or about May 7, 2003, Vargas endorsed a check from WSGR for
20 \$26,665.12.

21 g. On or about April 22, 2004, Tashiro faxed an order for 62,500 side tab
22 dividers to APS at fax number (415) 442-0119.

23 h. On or about April 23, 2004, Dominguez prepared an invoice (No. 11368)
24 for \$4,375.94, representing the amount purportedly due to APS for the side tab dividers Tashiro
25 had "ordered" on April 22, 2004.

26 i. On or about April 23, 2004, Tashiro approved an invoice from APS (No.

1 11371) for a total of \$ 7,198.63, representing the total amount billed by APS for two individual
2 invoices to WSGR.

3 j. On or about April 30, 2004, the WSGR accounting department issued a
4 check to APS for \$ 26,641.73, representing payment of several invoices from APS, including
5 invoice No. 11371 referenced in the preceding subparagraph.

6 k. On or about May 21, 2005, Vargas wrote a check to Tashiro for \$1,000.00.

7 l. On or about May 23, 2005, Tashiro cashed the \$1,000 check referenced in
8 the preceding subparagraph.

9 m. On or about June 24, 2005, Vargas wrote a check to Tashiro for \$1,500.00.

10 n. On or about June 24, 2005, Tashiro cashed the \$1,500 check referenced in
11 the preceding subparagraph.

12 o. On or about August 16, 2005, Tashiro faxed an order for 45,000 side tab
13 dividers to APS at fax number (415) 442-0119.

14 p. On or about August 17, 2005, Dominguez prepared an invoice (No.
15 19904) for \$6,549.13, representing the amount purportedly due to APS for the side tab dividers
16 Tashiro had "ordered" on August 16, 2005.

17 q. On or about August 31, 2005, Tashiro approved an invoice from APS (No.
18 19917) for a total of \$6,776.45, representing the total amount billed by APS for three individual
19 invoices to WSGR.

20 r. On or about September 12, 2005, the WSGR accounting department
21 issued a check to APS for \$23,081.34, representing payment of several invoices from APS,
22 including invoice No. 19917 referenced in the preceding subparagraph.

23 s. On or about October 28, 2005, Vargas wrote a check to Tashiro for \$600.

24 t. On or about October 31, 2005, Tashiro cashed the \$600 check referenced
25 in the preceding subparagraph.

26 u. On or about December 30, 2005, Tashiro sent an e-mail to Dominguez

1 with a tab order attached. The message read: "Hey Danny, Here is one of two orders. Please
2 date it 12/28. Thanks. John."

3 v. On or about December 30, 2005, Tashiro sent an e-mail to Dominguez
4 with a tab order attached. The message read: "Here is the second order. You can put today's
5 date on it. John."

6 w. On or about March 6, 2006, at approximately 5:11 p.m., Tashiro sent an e-
7 mail to Dominguez with a tab order attached. There was no message in the body.

8 x. On or about March 6, 2006, at approximately 5:17 p.m., Tashiro sent an e-
9 mail to Dominguez that read: "Backdate to February 28th the tab order that was sent by email."

10 y. On or about May 12, 2006, Tashiro faxed an order for 81,500 side tab
11 dividers to APS at fax number (415) 442-0119.

12 z. On or about May 15, 2006, Dominguez prepared an invoice (No. 24060)
13 for \$6175.66, representing the amount purportedly due to APS for the side tab dividers Tashiro
14 had "ordered" on May 12, 2006.

15 aa. On or about May 31, 2006, Tashiro approved an invoice from APS (No.
16 24108) for a total of \$10,665.91, representing the total amount billed by APS for six individual
17 invoices to WSGR.

18 bb. On or about May 31, 2006, the WSGR accounting department issued a
19 check to APS for \$18,173.63, representing payment of several invoices from APS, including
20 invoice No. 24108 referenced in the preceding subparagraph.

21 All in violation of Title 18, United States Code, Section 371.

22 COUNT TWO: (18 U.S.C. § 1341 – Mail Fraud)

23 8. The factual allegations contained in paragraphs 1 through 4 are realleged and
24 incorporated as if fully set forth here.

25 9. On or about August 21, 2006, within the Northern District of California, and
26 elsewhere, the defendants,

CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO, and
DANIEL JOSE DOMINGUEZ,

for the purpose of executing said scheme and artifice to defraud, did knowingly cause to be delivered by the United States Postal Service, and by a private commercial interstate carrier, the item described below:

<u>Count</u>	<u>Date</u>	<u>From</u>	<u>Sent To</u>	<u>Amount</u>	<u>Description</u>
2	08/21/2006	Palo Alto, CA	San Francisco, CA	\$2,547.93	WSGR check no. 482243

All in violation of Title 18, United States Code, Section 1341.

COUNTS THREE THROUGH ELEVEN: (18 U.S.C. § 1343 – Wire Fraud)

10. The factual allegations contained in paragraphs 1 through 4 are realleged and incorporated as if fully set forth here and in each of Counts Three through Eleven.

11. On or about the dates listed below, within the Northern District of California, and elsewhere, the defendants,

CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO, and
DANIEL JOSE DOMINGUEZ,

for the purpose of executing said scheme and artifice to defraud, did knowingly transmit and caused to be transmitted by means of wire communication in interstate commerce certain writings, signs, signals, and pictures, that is, e-mails containing fraudulent orders for tab dividers, as further set forth below:

<u>Count</u>	<u>Date</u>	<u>From</u>	<u>Sent To</u>	<u>Description</u>
3	12/21/2005	John Tashiro	Daniel Dominguez	Tab order dated 12/05/2005 (Subject line: "FW: Document you requested")
4	12/30/2005	John Tashiro	Daniel Dominguez	Tab order dated 12/28/2005 (Subject line: "Tab order")

INDICTMENT

5	12/30/2005	John Tashiro	Daniel Dominguez	Tab order dated 12/30/2005 (Subject line: "2 nd tab order")
6	03/06/2006	John Tashiro	Daniel Dominguez	Undated tab order (Subject line: "tab order")
7	03/06/2006	John Tashiro	Daniel Dominguez (cc: Carlos Vargas)	Body of message: "Backdate to February 28 th the tab order that was sent by e-mail."
8	03/28/2006	John Tashiro	Daniel Dominguez	Tab order dated 3/21/2006 (message body: "I put the dates on the sheets for you to back order to.")
9	03/28/2006	John Tashiro	Daniel Dominguez	Tab order date 3/23/2006 (subject line: "Tab order 2")
10	03/28/2006	John Tashiro	Daniel Dominguez	Tab order date 3/24/2006 (subject line: "Tab order 3")
11	03/28/2006	John Tashiro	Daniel Dominguez	Tab order date 3/28/2006 (subject line: "Tab order 4")

All in violation of Title 18, United States Code, Section 1343.

COUNT TWELVE: (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering)

12. The factual allegations contained in paragraphs 1 through 4 are realleged and incorporated as if fully set forth here.

13. Beginning no later than on or about September 2002 and continuing at least until November 8, 2006, within the Northern District of California and elsewhere, the defendants,

CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO, and
DANIEL JOSE DOMINGUEZ,

did knowingly conspire with each other, and with other persons both known and unknown to the grand jury, to commit offenses against the United States in violation of Title 18, United States Code, Section 1956, specifically:

a. knowing that property involved in a financial transaction represented the proceeds of some form of unlawful activity, and which property was in fact the proceeds of

specified unlawful activity, *i.e.*, mail and wire fraud, defendants conducted financial transactions with the intent to promote the carrying on of that specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(A)(i); and

b. knowing that property involved in a financial transaction represented the proceeds of some form of unlawful activity, and which property was in fact the proceeds of specified unlawful activity, *i.e.*, mail and wire fraud, defendants conducted financial transactions knowing that those transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of that specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i).

14. In order to accomplish the objectives of the conspiracy, the defendants engaged in the following financial transactions, among others:

<u>Date</u>	<u>Check No.</u>	<u>Issuer</u>	<u>Payee</u>	<u>Amount</u>
10/11/2002	411011	WSGR	APS	\$125,057.08
04/21/2003	424283	WSGR	APS	\$13,606.88
04/28/2003	424764	WSGR	APS	\$50,183.38
05/07/2003	425424	WSGR	APS	\$26,665.12
04/30/2004	442274	WSGR	APS	\$26,641.73
07/30/2004	446275	WSGR	APS	\$20,421.90
09/12/2005	465632	WSGR	APS	\$23,081.34
05/31/2006	478373	WSGR	APS	\$18,173.63
09/26/2003	3479	APS (Vargas)	Petty Cash	\$3,781.00
12/31/2003	3918	APS (Vargas)	Petty Cash	\$4,506.25
12/16/2004	5428	APS (Dominguez)	Petty Cash	\$2,578.47
08/22/2005	6453	APS (Vargas)	Petty Cash	\$2,600.89
04/04/2006	7447	APS (Dominguez)	Petty Cash	\$5,236.17
04/13/2006	7503	APS (Dominguez)	Petty Cash	\$5,302.19
05/21/2005	1579	Vargas (personal account)	Tashiro	\$1,000.00

06/24/2005	1599	Vargas (personal account)	Tashiro	\$1,500.00
10/28/2005	1680	Vargas (personal account)	Tashiro	\$600.00

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(1) – Money Laundering Forfeiture)

15. The factual allegations contained in each of Counts One through Twelve of this Indictment are hereby realleged and by this reference fully incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

16. Upon a conviction of the offense alleged in Count Twelve, the defendants,

CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO, and
DANIEL JOSE DOMINGUEZ,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all right, title and interest in property, real and personal, involved in said violations, or any property traceable to such property, including but not limited to: a money judgment in the sum of \$1,060,023.04, representing the amount of gross proceeds obtained as a result of the offense.

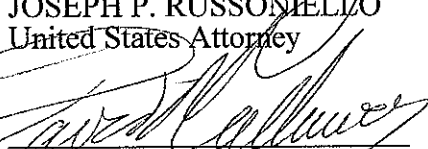
DATED:


A TRUE BILL

September 2, 2009


FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney


DAVID R. CALLAWAY
Chief, San Jose Branch

(Approved as to form: )

AUSA Callaway

INDICTMENT

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

2009 SEP -3 A 9:20
 RICHARD W. WIEKING
 CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CA. S.D.
☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:
SEE ATTACHMENT**CR**Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

CARLOS IVAN VARGAS, SR.

DISTRICT COURT NUMBER

09 00888**JF PVT**

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges _____
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District) _____

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
- If answer to (6) is "Yes", show name of institution _____

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed _____

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS*☐ WARRANT Bail Amount: \$50,000 PR bond

If Summons, complete following:

☐ Arraignment ☒ Initial Appearance

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

c/o Peter Goodman
 400 Montgomery St 2nd Floor
 San Francisco, CA 94104

Date/Time: October 8, 2009, 9:30 a.m.

Before Judge: PATRICIA V. TRUMBULL

Comments: Attorney has agreed to accept service and to appear with his client at the above date and time.

A7

ATTACHMENT TO PENALTY SHEETS
U.S. v. CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO and
DANIEL JOSE DOMINGUEZ

COUNT ONE: Title18, United States Code, Section 371 – Conspiracy to Commit Mail and Wire Fraud.

Penalties: 5 years imprisonment;
 \$250,000 fine (or twice the gross gain or gross loss);
 Three years supervised release;
 \$100 special assessment.

COUNT TWO: Title18, United States Code, Section 1341 – Mail Fraud.

Penalties: Up to twenty years imprisonment;
 \$250,000 fine (or twice the gain/loss);
 Three years supervised release;
 \$100 special assessment.

COUNTS THREE THROUGH ELEVEN: Title18, United States Code, Section 1343 – Wire Fraud.

Penalties: Up to twenty years imprisonment;
 \$250,000 fine (or twice the gain/loss);
 Three years supervised release;
 \$100 special assessment.

COUNT TWELVE: Title18, United States Code, Section 1956(h) – Conspiracy to Commit Money Laundering.

Penalties: 20 years imprisonment;
 \$500,000 fine (or twice the gross gain or gross loss);
 Three years supervised release;
 \$100 special assessment.

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE ATTACHMENT

E-filing

CR-09 00888 JF

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

JOHN MASAKAZU TASHIRO

DISTRICT COURT NUMBER

2009 SEP -3 A 9:20
RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

DEFENDANT

PVT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

S/A CONNIE MILITANO-I.R.S.-CID

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underName and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

DAVID CALLAWAY

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☒ SUMMONS ☐ NO PROCESS*☐ WARRANT

Bail Amount: \$50,000 PR bond

If Summons, complete following:

☐ Arraignment ☒ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: October 8, 2009, 9:30 a.m.

Before Judge: PATRICIA V. TRUMBULL

Comments: IRS will serve the summons if USMS requests.

42

ATTACHMENT TO PENALTY SHEETS

**U.S. v. CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO and
DANIEL JOSE DOMINGUEZ**

COUNT ONE: Title18, United States Code, Section 371 – Conspiracy to Commit Mail and Wire Fraud.

Penalties: 5 years imprisonment;
\$250,000 fine (or twice the gross gain or gross loss);
Three years supervised release;
\$100 special assessment.

COUNT TWO: Title18, United States Code, Section 1341 – Mail Fraud.

Penalties: Up to twenty years imprisonment;
\$250,000 fine (or twice the gain/loss);
Three years supervised release;
\$100 special assessment.

COUNTS THREE THROUGH ELEVEN: Title18, United States Code, Section 1343 – Wire Fraud.

Penalties: Up to twenty years imprisonment;
\$250,000 fine (or twice the gain/loss);
Three years supervised release;
\$100 special assessment.

COUNT TWELVE: Title18, United States Code, Section 1956(h) – Conspiracy to Commit Money Laundering.

Penalties: 20 years imprisonment;
\$500,000 fine (or twice the gross gain or gross loss);
Three years supervised release;
\$100 special assessment.

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ **INDICTMENT** ☐ SUPERSEDINGName of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

E-filing

OFFENSE CHARGED

SEE ATTACHMENT

2009 SEP -3 A 120

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE ATTACHMENT

CR-09 00888 JF PVT**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

S/A CONNIE MILITANO-I.R.S.-CID

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.

Name and Office of Person

Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

DAVID CALLAWAY

DEFENDANT - U.S.

DANIEL JOSE DOMINGUEZ

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS*☐ WARRANT

Bail Amount: \$50,000 PR bond

If Summons, complete following:

☐ Arraignment ☒ Initial Appearance

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

c/o John Jordan
400 Montgomery St #200
San Francisco, CA 94104

Date/Time: October 8, 2009, 9:30 a.m.

Before Judge: PATRICIA V. TRUMBULL

Comments: Attorney has agreed to accept service and to appear with his client at the above date and time

43

ATTACHMENT TO PENALTY SHEETS

**U.S. v. CARLOS IVAN VARGAS, SR.,
JOHN MASAKAZU TASHIRO and
DANIEL JOSE DOMINGUEZ**

COUNT ONE: Title18, United States Code, Section 371 – Conspiracy to Commit Mail and Wire Fraud.

Penalties: 5 years imprisonment;
\$250,000 fine (or twice the gross gain or gross loss);
Three years supervised release;
\$100 special assessment.

COUNT TWO: Title18, United States Code, Section 1341 – Mail Fraud.

Penalties: Up to twenty years imprisonment;
\$250,000 fine (or twice the gain/loss);
Three years supervised release;
\$100 special assessment.

COUNTS THREE THROUGH ELEVEN: Title18, United States Code, Section 1343 – Wire Fraud.

Penalties: Up to twenty years imprisonment;
\$250,000 fine (or twice the gain/loss);
Three years supervised release;
\$100 special assessment.

COUNT TWELVE: Title18, United States Code, Section 1956(h) – Conspiracy to Commit Money Laundering.

Penalties: 20 years imprisonment;
\$500,000 fine (or twice the gross gain or gross loss);
Three years supervised release;
\$100 special assessment.